

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CYBERFONE SYSTEMS, LLC,)
Plaintiff,)
v.) Civ. No. 11-827-SLR
CELLCO PARTNERSHIP, et al.,)

CYBERFONE SYSTEMS, LLC,)
Plaintiff,)
v.) Civ. No. 11-828-SLR
ATLANTIC BROADBAND FINANCE,)
LLC, et al.,)
Defendants.)

CYBERFONE SYSTEMS, LLC,)
Plaintiff,)
v.) Civ. No. 11-829-SLR
CNN INTERACTIVE GROUP, INC.,)
et al.,)
Defendants.)

CYBERFONE SYSTEMS, LLC,)
Plaintiff,)
v.) Civ. No. 11-830-SLR
AVAYA, INC., et al.,)
Defendants.)

CYBERFONE SYSTEMS, LLC,)
Plaintiff,)
v.) Civ. No. 11-831-SLR

AMAZON.COM, INC., et al.,

Defendants.

LVL PATENT GROUP, LLC, (n/k/a

v

VLINGO CORPORATION, et al..

Defendants.

CYBERFONE SYSTEMS, LLC,

Plaintiff,

v

SONY ELECTRONICS, INC., et al.

Defendants.

CYBERFONE SYSTEMS, LLC.

Plaintiff.

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FEDERAL EXPRESS CORPORATION,)
et al.,)

Defendants

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CYBERFONE SYSTEMS, LLC,)
)
Plaintiff,)
)
v.) Civ. No. 11-835-SLR
)
ECHOSTAR TECHNOLOGIES, et al.,)
)
Defendants.)

O R D E R

At Wilmington this 8th day of March, 2012, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b);

IT IS ORDERED that:

1. To the extent the parties reached similar agreements in their proposed scheduling orders as those reached in D.I. 152, exhibit A, those agreements will be honored by the court, unless modified below.¹ In this regard, the court has inserted in this order significant dates, for purposes of public notice.

2. Discovery.

(a) The court's "Default Standard for Discovery, Including Discovery of Electronically Stored Information ('ESI') ("Default Standard"), as revised on December 8, 2011, shall apply to this case, except that the parties have agreed to the following modifications: (1) ¶¶ 4(c) and (d) (the parties shall have 90 days, rather than 30 days); and (2) an additional issue to ¶ 5 ("A party may request that the load file accompanying an opposing party's production be in a commonly used document review software

¹See D.I. 152 at ¶¶ 3(a)-(b), 3(c)(2), 3(d), 3(d)(1), 3(d)(3), 3(g), 3(i), 4, 5, 6, 9, 10.

format in addition to or instead of Concordance.”).

(b) A status conference shall be conducted on **May 15, 2012 at 3:00 p.m.** in courtroom 4B, fourth floor Federal Building, 844 King Street, Wilmington, Delaware (“courtroom 4B”), to discuss the remaining parameters of fact discovery (including an early deposition of the inventor), any lingering disputes regarding the exchange of information under ¶¶ 4(a) and (b) of the Default Standard, and when the court will hear the defendants’ presentation on the invalidity of the asserted claims of U.S. Patent No. 6,019,060.

(c) A discovery conference shall be conducted on **September 5, 2012 at 4:30 p.m.** in courtroom 4B. **No motions to compel or motions for a protective order shall be filed absent approval of the court.**

(d) Document production shall be completed by **November 21, 2012**. In the absence of agreement among the parties or by order of the court, no deposition (other than those noticed under Fed. R. Civ. P. 30(b)(6)) shall be scheduled prior to the completion of document production.

(e) A second status conference shall be conducted on **December 4, 2012 at 4:30 p.m.** in courtroom 4B to discuss lingering fact discovery disputes, the parameters of expert discovery, and the filing of the Joint Claim Construction Statement and briefing. **With respect to the latter, lawyers must identify, during the claim construction phase of the case, any claim language that will have a meaning to a person of ordinary skill in the art that differs from the ordinary meaning. Any language not so identified will be construed according to its ordinary dictionary**

meaning.

(f) Fact discovery shall be commenced in time to be completed on or before **January 18, 2013**.

(g) Expert discovery shall be commenced in time to be completed on or before **April 26, 2013**.

3. **Summary judgment motions** shall be served and filed on or before **August 20, 2013**. No summary judgment motion may be filed more than ten (10) days from the above date without leave of the court.

4. The hearing on claim construction and motions for summary judgment shall be conducted on **November 8, 2013** commencing at **9:30 a.m.** in courtroom 4B.

5. **Pretrial conference.** A pretrial conference shall be conducted on **February 4, 2014** at **3:00 p.m.** in courtroom 4B. The alignment of parties and timing of trials shall be addressed. The Federal Rules of Civil Procedure and D. Del. LR shall govern the pretrial conference.

6. **Trial.** These matters are scheduled for trial from **March 3, 2014** through **April 25, 2014** in courtroom 4B. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their evidence and argument.



United States District Judge